



**IN THE HIGH COURT OF KENYA**  
**AT NAIROBI**  
**CIVIL APPEAL NO 674 OF 2003**

**JOSEPH MAINA KIMANI**  
**T/A RENCO CAR IDENTITY COMPANY ..... APPELLANT**  
**VERSUS**  
**UKULIMA CO-OPERATIVE SAVINGS**  
**& CREDIT SOCIETY LIMITED ..... RESPONDENT**

**RULING**

This is an application for stay of execution of the Order of the Business Premises Tribunal dated September 11, 2003 in Case No 57 of 2002 by which the Tribunal ordered the Applicant to comply with certain conditions failing which the tenancy would be determined.

Upon the Applicant's failure to comply with all the conditions of the order, the Respondent landlord applied for and obtained an eviction order. The order was executed, and vacant possession delivered to the respondent landlord. Accordingly, there is nothing to "stay" – vacant possession having been delivered.

This application is accordingly dismissed with costs to the Respondent.

**Dated and delivered at Nairobi this 14th day of July, 2004.**

**ALNASHIR VISRAM**  
**JUDGE**